

LOUISIANA STATE BOARD OF PRIVATE SECURITY EXAMINERS

Held on Tuesday, January 25, 2018

SPECIAL BOARD MEETING

Louisiana State Board of Private Security Examiners

15703 Old Hammond Highway

Baton Rouge, Louisiana

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1 APPEARANCES :
2 MEMBERS OF THE COMMISSION,
3 CHAIRWOMAN MARIAN H. PIERRE
4 VICE CHAIRWOMAN MARIA LANDRY
5 RITCHIE RIVERS
6 DURELL PELLEGRIN
7 MARK WILLIAMS
8 EDWARD ROBINSON, SR.
9 WILBERT SANDERS, JR.
10
11 HEARING OFFICER ERIN ST. PIERRE
12
13 BRIDGETTE HULL, EXECUTIVE ASSISTANT
14 FABIAN P. BLACHE, III, EXECUTIVE DIRECTOR
15 RONALD CROUCH, ATTORNEY
16
17
18
19
20
21
22 REPORTED BY: KELLY S. PERRIN, CCR
23
24
25

1 SPECIAL BOARD MEETING

2 P R O C E E D I N G S

3 CHAIRWOMAN PIERRE:

4 The meeting of the Louisiana Board of
5 Private Security Examiner's Special Meeting is
6 in order. May we have a roll call?

7 MS. HULL:

8 Misty Finchum?

9 MR. BLACHE:

10 Not present.

11 MS. HULL:

12 Durell Pellegrin?

13 MR. PELLEGRIN:

14 Here.

15 MS. HULL:

16 Mark Williams?

17 MR. WILLIAMS:

18 Here.

19 MS. HULL:

20 Edward Robinson?

21 CHAIRWOMAN PIERRE:

22 Not here.

23 MS. HULL:

24 Marian Pierre?

25 CHAIRWOMAN PIERRE:

1 Here.

2 MS. HULL:

3 Maria Landry?

4 MS. LANDRY:

5 Here.

6 MS. HULL:

7 Ritchie Rivers?

8 MR. RIVERS:

9 Here.

10 MS. HULL:

11 Wilbert Sanders?

12 MR. SANDERS:

13 Here.

14 MS. HULL:

15 Hector Echegoyen?

16 MR. BLACHE:

17 Not present.

18 CHAIRWOMAN PIERRE:

19 Mr. Fabian --

20 MR. BLACHE:

21 Yes?

22 CHAIRWOMAN PIERRE:

23 Blache? We have the Pledge of

24 Allegiance.

25 MR. BLACHE:

1 Yes.

2 CHAIRWOMAN PIERRE:

3 Would you lead us?

4 MR. BLACHE:

5 Yes. Everyone, please stand for Pledge.

6 (PLEDGE OF ALLEGIANCE)

7 CHAIRWOMAN PIERRE:

8 Thank you. We're going to waive the
9 reading of the minutes of the last meeting. I
10 don't think there was any other way, Mr.
11 Blache?

12 MR. BLACHE:

13 They are not. I don't have the
14 electronic copy.

15 CHAIRWOMAN PIERRE:

16 Okay. Well, we'll waive that.

17 MS. LANDRY:

18 I second.

19 CHAIRWOMAN PIERRE:

20 Thank you. It's been moved and seconded
21 to waive the minutes of the last -- the
22 minutes of the last meeting.

23 MR. BLACHE:

24 We'll do that in March at the normal
25 meeting.

1 CHAIRWOMAN PIERRE:

2 This is an Adjudication Hearing. During
3 this hearing, we're going to set some rules
4 this morning about time for speakers. Each
5 speaker will have three minutes to speak on
6 the subject matter. Is there any questions
7 about that?

8 Will that give the attorneys enough time?
9 Sir, will that give your clients enough time?

10 MR. CROUCH:

11 Your Honor, are you talking about for --

12 CHAIRWOMAN PIERRE:

13 For the testimony.

14 MR. CROUCH:

15 I'm sorry. Madam Chair, are you talking
16 about for the testimony?

17 CHAIRWOMAN PIERRE:

18 Yes, I am.

19 MR. CROUCH:

20 I gotcha. Okay.

21 MR. BRUMFIELD:

22 I'm sorry. Your question was?

23 CHAIRWOMAN PIERRE:

24 Will that give your clients enough time?

25 MR. BRUMFIELD:

1 How much time is that?

2 CHAIRWOMAN PIERRE:

3 Three minutes.

4 MR. BRUMFIELD:

5 No, ma'am.

6 MR. CROUCH:

7 No, ma'am.

8 CHAIRWOMAN PIERRE:

9 Okay. So what are we looking at? Will
10 ten minutes do it?

11 MR. BRUMFIELD:

12 No, ma'am. I've got three witnesses that
13 I intend to call, probably 20 to 30 minutes
14 per witness.

15 CHAIRWOMAN PIERRE:

16 I think that's a little overkill, 30
17 minutes for each person. Is there any way we
18 could get it done in 20, compromise to 20?

19 MR. BRUMFIELD:

20 I will try. I'll make an effort.

21 CHAIRPERSON PIERRE:

22 Okay. Thank you very much. I appreciate
23 that. Let's do that; okay?

24 MR. BRUMFIELD:

25 Okay.

1 MR. CROUCH:

2 Madam Chairman, let me explain. This is
3 an odd situation in that a motion has been
4 filed to recuse the Board that's a narrow
5 issue before the Board this morning. In past
6 Boards, the Chairman was an attorney and was
7 able to rule on evidentiary matters. In light
8 of the fact that there are no attorneys on the
9 Board, I've asked Erin St. Pierre from our
10 office to come and sit as in the nature of a
11 referee to merely move any time there's an
12 objection as to evidence or whatever, she can
13 rule on that for the record.

14 The other -- only other thing I would ask
15 is if the -- if any Members of the Board
16 intend to give any testimony, factual
17 testimony that would be included in the
18 record, I would ask that you be sworn before
19 you give that testimony, because it is -- it
20 is testimony that will go up to the District
21 Court. In a recusal, where presuming that
22 you're asking for a judge to be recused, there
23 are certain standards that we will get into,
24 but an individual has the right, when the
25 judge refuses to recuse himself, to then

1 appeal that to another judge or take it up to
2 the Appellate Courts. And that's what we're
3 doing today, building a record.

4 At that point, I'll turn the matter over
5 to Mr. Brumfield, who has the burden of proof.

6 MR. BRUMFIELD:

7 Let me make sure we're on the same page.
8 I'm assuming that the matter of the revocation
9 will not be addressed today?

10 MR. CROUCH:

11 That is correct.

12 MR. BRUMFIELD:

13 Only the recusal?

14 CHAIRPERSON PIERRE:

15 That's correct.

16 MR. BRUMFIELD:

17 Okay. At this time, I'd like to invoke
18 the Rule of Sequestration.

19 Have you explained sequestration to the
20 Board?

21 MR. CROUCH:

22 I have not, but I'm sure they're familiar
23 with it.

24 In a hearing, the lawyers can ask that
25 the witnesses be recused. The agency has the

1 right to keep one person present, which would
2 be the Executive Director for the hearing.
3 All other witnesses would have to be excused.
4 But I would ask that they be sworn before they
5 go out and instructed as to not to communicate
6 with one another about the hearing.

7 HEARING MASTER ST. PIERRE:

8 I can -- I can do that if you'd like.
9 Where are the witnesses?

10 MR. BRUMFIELD:

11 It's my intent to call Mr. Fetty,
12 Mr. Dalton Miller, and Mr. Colt Miller.

13 HEARING MASTER ST. PIERRE:

14 Are they here, sir?

15 MR. BRUMFIELD:

16 They are.

17 HEARING MASTER ST. PIERRE:

18 Okay.

19 MR. CROUCH:

20 I would ask that Fabian be sworn as well.

21 HEARING MASTER ST. PIERRE:

22 Okay. If all of you could stand up,
23 please, we'll go ahead and just do a group
24 swearing in.

25 (WITNESSES COMPLY WITH REQUEST)

1 HEARING MASTER ST. PIERRE:

2 Do you swear that the testimony you shall
3 give shall be the truth, the whole truth, and
4 nothing but the truth, so help you God?

5 (YES BY ALL)

6 HEARING MASTER ST. PIERRE:

7 And I ask that due to the request for
8 sequestration that when you are outside with
9 each other, you do not discuss any matters of
10 the case.

11 (YES BY ALL)

12 HEARING MASTER ST. PIERRE:

13 Thank you.

14 MR. CROUCH:

15 And can't you --

16 MR. BLACHE:

17 Yes.

18 MS. HULL:

19 We can sort them out.

20 MR. BLACHE:

21 Huh?

22 MS. HULL:

23 We can sort them out.

24 MR. BLACHE:

25 Well, they can go in the conference room.

1 That's fine.

2 MR. CROUCH:

3 All right.

4 MR. BRUMFIELD:

5 Ms. Pierre, are we ready to proceed?

6 CHAIRWOMAN PIERRE:

7 Yes, sir, we are.

8 MR. BRUMFIELD:

9 Okay. Thank you. The first matter on my
10 agenda is I had made a request of the Board
11 through an Interrogatory -- let me back up.
12 I'd like Nick Fetty in here. He's going to be
13 the representative.

14 Board Members, my name is John Brumfield.
15 I represent Nicholas Fetty and Delta Tactical.
16 Through discovery propounded to the Board, I
17 had requested a copy of the minutes of the
18 Executive Session held on August the 1st of
19 last year.

20 The basis for my request was, it's my
21 opinion that Executive Session was not
22 properly called; that there was no stated
23 reason on the minutes to indicate why or what
24 was going to be discussed in Executive
25 Session; and I don't think that the Executive

1 Session, the subject within the Executive
2 Session fell within the requirements of
3 Louisiana Revised Statute 42:17. There are
4 some limited basis for an Executive Session
5 that are laid out in 42:17.

6 And it's my understanding that was --
7 it's my belief that none of those requisites
8 for the Executive Session existed. The basis
9 of my belief that there may be some relevance
10 of what went on in the Executive Session to
11 these proceedings was the actions that were
12 taken by the Board immediately following the
13 Executive Session going back into Open Session
14 when the Board removed Mr. Rivers as the
15 Chair.

16 And then, Ms. Pierre made some comments
17 about the Board's Executive Secretary that
18 indicate to me that there may be some bias by
19 the Board's -- by the Board against Mr. Fetty.

20 So that's the basis of my request for the
21 minutes of the Executive Session. And I had a
22 discussion with Mr. Crouch who had indicated
23 to me that he was not going to allow me to
24 review those minutes.

25 MR. CROUCH:

1 Could -- for the record, Madam President,
2 the reason that I am opposed to releasing
3 those is they are presumed to be confidential
4 until the propriety of the Executive Session,
5 which is a matter of fact is shown.
6 Additionally, what went on in that Executive
7 Session, a significant part of it was my
8 interaction with the Board, which would be
9 attorney/client protected. I can't waive that
10 privilege. Only the client can waive that
11 attorney/client privilege.

12 And so consequently, as an Interrogatory
13 as a Response to Discovery, I am not going to
14 approve releasing it. Whether or not the
15 Executive Session was conducted properly is a
16 matter of fact that ought to be reviewed by a
17 Judiciary, which could be and should be part
18 of this record.

19 CHAIRPERSON PIERRE:

20 Thank you.

21 MR. BRUMFIELD:

22 So does the Board want to make a decision
23 on whether I'm going to have an opportunity to
24 review those minutes now?

25 CHAIRPERSON PIERRE:

1 In our opinion, we agree with our
2 attorney, that it is a client/attorney
3 privilege, and we will not waive it. Okay?

4 MR. BRUMFIELD:

5 Okay. There are some remedies available
6 to the Board that they can redact the
7 conversation between the Board and its counsel
8 to exclude any material that falls within the
9 attorney/client privilege.

10 CHAIRPERSON PIERRE:

11 We understand that.

12 MR. BRUMFIELD:

13 Okay.

14 CHAIRWOMAN PIERRE:

15 Thank you.

16 MR. BRUMFIELD:

17 Notwithstanding the ability to redact,
18 it's the Board's position that I'm not going
19 to be able to review those minutes.

20 CHAIRPERSON PIERRE:

21 I understand that.

22 MR. BLACHE:

23 Okay. Note my objection for the record.

24 HEARING MASTER ST. PIERRE:

25 Your objection is noted for the record.

1 MR. BRUMFIELD:

2 The matter before the Board today --

3 MR. CROUCH:

4 Just before you go on, Madam --

5 (CELL PHONE INTERRUPTION)

6 CHAIRPERSON PIERRE:

7 I'm sorry. Excuse me.

8 MR. CROUCH:

9 Madam President, one more comment,
10 please? I'm not sure it requires a motion,
11 second, and a vote, but if there's any member
12 of the Board that would be opposed to that, I
13 think they ought to be given an opportunity.

14 CHAIRPERSON PIERRE:

15 Exactly. Is there any opposition to us
16 not releasing that information?

17 MS. LANDRY:

18 No opposition.

19 MR. WILLIAMS:

20 None.

21 CHAIRPERSON PIERRE:

22 Okay.

23 MR. BRUMFIELD:

24 The matter --

25 CHAIRWOMAN PIERRE:

1 Would you like a roll call vote on that,
2 sir?

3 MR. BRUMFIELD:

4 Not necessary.

5 CHAIRPERSON PIERRE:

6 Okay, sir.

7 MR. BRUMFIELD:

8 The matter before the Board today is my
9 Motion for an En Banc Recusal of the Members
10 of the Louisiana State Board of Private
11 Security Examiners, which I had filed on
12 December the 27th, 2017. It's my position
13 that there is bias. There's a basis for
14 recusal. That basis is a bias by Mr. Blache
15 against my client and possibly a bias of the
16 Board and its member against Mr. Fetty based
17 on what I believe were comments made to the
18 Board that were ex parte in nature and may
19 have created this bias.

20 That will be brought out by the testimony
21 of Mr. Fetty, Mr. Dalton Miller, and Mr. Colt
22 Miller. It's the Board's obligation to give
23 Mr. Fetty a fair and impartial hearing and to
24 avoid improprieties or even the appearance of
25 impropriety. And I think the evidence

1 presented today will demonstrate that there is
2 a basis for the recusal for impropriety or at
3 least an appearance of impropriety.

4 At this time, I'd like to offer, file,
5 and introduce into evidence the Motion for En
6 Banc Recusal of the Members of the Board of --
7 Louisiana State Board of Private Security
8 Examiners filed on December the 27th and
9 exhibits attached thereto.

10 HEARING MASTER ST. PIERRE:

11 Are you marking that as Exhibit #A?

12 MR. BRUMFIELD:

13 That's going to be Exhibit A, yes.

14 MR. CROUCH:

15 Your Honor, I have no objection to the
16 admissibility of those documents, except to
17 the extent that the Affidavit and the exhibits
18 that are attached to it may contain
19 objectionable information. But as a matter of
20 the documents being admitted into the record,
21 I have no problem with that.

22 CHAIRPERSON PIERRE:

23 Thank you.

24 MR. BRUMFIELD:

25 At this time, I'd like to call Nicholas

1 Fetty.

2 DIRECT EXAMINATION OF NICHOLAS FETTY

3 BY MR. BRUMFIELD:

4 Q Would you state your name and
5 professional address for the record?

6 A Nicholas Fetty, and it's 14875 Linda
7 Lane, Denham Springs, Louisiana 70726.

8 Q Are you the principal of Delta Tactical,
9 LLC; is that correct?

10 A Yes, sir.

11 Q Okay. You received notice of a
12 revocation hearing by mail on -- that was mailed on
13 December -- on November the 22nd; is that correct?

14 A Correct.

15 Q Okay. And based on that notice of
16 revocation and a conflict that I had, I requested
17 that this matter be continued and rescheduled; is
18 that right?

19 A Yes, sir.

20 Q And on October the 31st, you requested a
21 hearing of the Board on that revocation issue; is
22 that correct?

23 A Yes, sir.

24 Q Okay. So your request for hearing is
25 dated October the 31st of 2017; correct?

1 A Correct.

2 Q Okay. Did you have privy to a telephone
3 conversation between Dalton Miller and Colt Miller?

4 A I was informed of it.

5 Q Did you listen to it?

6 A I did.

7 Q Okay. Let me play the -- no, not yet.
8 Did you recognize the voices on that
9 recording?

10 A Yes, sir.

11 Q Who were the parties to that
12 conversation?

13 A Dalton Miller and Colt Miller.

14 Q Do you have an idea of when that
15 telephone conversation took place?

16 A I don't know the exact date offhand.

17 Q Was that conversation prior to your
18 notice of the hearing of December the 14th of last
19 year?

20 A I believe so.

21 Q Okay. Did you attend a meeting at LEWCO
22 Company?

23 A Yes, sir.

24 Q All right. Who is LEWCO?

25 A One of our clients.

1 Q Okay. Where are they located?

2 A On Renoir Avenue, the back of Mall City.

3 Q Do you recall when that meeting took
4 place?

5 A The 20th, January, I believe. The 20th
6 of something. I know the 20th.

7 Q Could it have been November the 20th of
8 2017?

9 A That sounds about right.

10 Q Was that after that recorded
11 conversation?

12 A Yes, sir.

13 MR. CROUCH:

14 Object. Your Honor, the witness has said
15 he doesn't know when the conversation took
16 place. There's no way he can know whether
17 this took place after that conversation or
18 not.

19 HEARING MASTER ST. PIERRE:

20 What is the nature of your objection; is
21 it --

22 MR. CROUCH:

23 It's irrelevant.

24 MR. BRUMFIELD:

25 The date of the meeting is irrelevant?

1 MR. CROUCH:

2 The date -- his testimony as to
3 whether -- when and where it took place as it
4 relates to the telephone conversation.

5 MR. BRUMFIELD:

6 Well, I think it -- I disagree. I think
7 there's some relevance.

8 Now whether there's a foundation for his
9 testimony, I understand that.

10 MR. CROUCH:

11 Got it.

12 HEARING MASTER ST. PIERRE:

13 I'll rule on the objection. I'll allow
14 it.

15 BY MR. BRUMFIELD:

16 Q Okay. So it's your understanding that
17 the telephone conversation that you heard and that
18 you recognized the voices of took place prior to
19 your meeting at LEWCO?

20 A Yes, sir.

21 Q Who was present at that meeting?

22 A It was myself, Max Fetty, Dalton Miller,
23 Colt Miller, Fabian, and Lewis Dill, along with
24 Kevin Marshall.

25 Q Okay. And what was the -- what was the

1 purpose of the meeting? What was discussed?

2 A Two employees supposedly didn't get paid
3 and made a complaint. And from what was told to
4 me, Mr. Fabian took it upon himself to call LEWCO
5 and kind of set this thing in motion, the meeting.

6 Q Okay. Is it your opinion that you are
7 not -- you will not be able to have a fair and
8 impartial hearing before this Board on your issue
9 of revocation?

10 MR. CROUCH:

11 Object, Your Honor. He's not an expert.

12 If he has an opinion as a lay witness,
13 that's fine. But if he's testifying as to
14 some sort of expert, he needs to lay the
15 groundwork for it.

16 MR. BRUMFIELD:

17 The nature of the question was with
18 regard to the requirements that Mr. Fetty
19 executing an Affidavit showing a bias for the
20 Board so the matter can be heard by the Board,
21 the revocation -- I mean the recusal.

22 MR. CROUCH:

23 He was asked for his opinion, Your Honor.
24 That's not facts.

25 HEARING MASTER ST. PIERRE:

1 I'm going to go ahead and sustain that
2 objection. If you can reword it possibly?

3 BY MR. BRUMFIELD:

4 Q Okay. Did you issue -- or did you
5 execute an Affidavit in support of your Motion to
6 Recuse the Board?

7 A Yes, sir.

8 Q Let me show you a document that's marked
9 as Exhibit A to Exhibit A of the Board.

10 A Uh-huh.

11 Q Is that your Affidavit?

12 A Yes, sir.

13 Q That's a two-page Affidavit. Does your
14 signature appear on the bottom of Page 2?

15 A Yes, sir.

16 Q And in that Affidavit, you stated that
17 you were not able to get a fair and impartial
18 hearing by the Board; is that correct?

19 A That's correct.

20 Q And that's why we're here today; correct?

21 A Yes, sir.

22 MR. BRUMFIELD:

23 That's all the question I have, Your
24 Honor.

25 CROSS EXAMINATION OF NICHOLAS FETTY

1 BY MR. CROUCH:

2 Q Mr. Fetty, I'm Ron Crouch. I'm the
3 attorney representing the Board of Private Security
4 Examiners.

5 The address that you gave in your initial
6 answer, what is that address again?

7 A 14875 Linda Lane.

8 Q Is that the address that you provided to
9 the Board of Private Security Examiners when you
10 applied for a license?

11 A No, sir.

12 Q Did you notify the Board when you changed
13 that address?

14 A No, sir.

15 Q Okay. So the Board would have no way of
16 knowing where you lived after the initial
17 application since you didn't notify them where to
18 locate you; correct?

19 A Correct.

20 Q All right. Your initial answer to this
21 meeting that you're talking about that took place,
22 I believe you said January. And then your attorney
23 corrected you and said, could it have been another
24 date. What date did that occur?

25 A I'm most certain that it is November.

1 Because on the recording, it said 10/11/17.

2 Q Got it. The date of the recording of the
3 telephone conversation, when did that occur?

4 A Between the two parties in question?

5 Q Correct.

6 A I'm not sure of that date. It was
7 brought to me after he had recorded it.

8 Q I believe your answer to your attorney's
9 question was though you were pretty certain it
10 occurred before your request for a hearing. How
11 would you know that if you don't know when it
12 occurred?

13 A Because I don't remember the date.

14 MR. BRUMFIELD:

15 Objection. I think he misstated
16 Mr. Fetty's testimony.

17 I think Mr. Fetty's testimony was that it
18 took place before the notice of the hearing
19 was issued.

20 MR. CROUCH:

21 And my question is, how would he know
22 when and if that took place before the notice
23 of hearing if he doesn't know when the
24 conversation took place?

25 A I know for a fact it happened before the

1 hearing. I just can cannot give you an accurate
2 date. And I don't want to make one up.

3 BY MR. CROUCH:

4 Q How do you know as a matter of fact that
5 it occurred before?

6 A Because I -- we've -- we've gone over
7 this and over this and over this. I know for a
8 fact it happened before. I just don't recall the
9 date exactly.

10 Q I understood your answer the first time,
11 Mr. Fetty. But you're saying, I know as a matter
12 of fact. And the fact that I want to know is, how
13 do you know when it occurred when your answer is, I
14 don't know when it occurred?

15 A I'm going to give you the same answer. I
16 know it happened before. I just don't remember the
17 exact date.

18 MR. CROUCH:

19 Got it. I have no further questions.

20 REDIRECT EXAMINATION OF NICHOLAS FETTY

21 BY MR. BRUMFIELD:

22 Q Mr. Crouch asked you how you knew. Was
23 there anything discussed in that meeting that would
24 lead you to believe that that meeting occurred
25 before the notice was issued?

1 A In that conversation, Colt Miller stated
2 the exact date of this meeting before we even
3 received notice of it.

4 MR. BRUMFIELD:

5 Okay. Okay. Nothing further.

6 MR. CROUCH:

7 I have nothing further.

8 MR. BRUMFIELD:

9 I'd call Dalton Miller to the stand.

10 HEARING MASTER ST. PIERRE:

11 Sir, you can step down. He can remain.

12 MR. BRUMFIELD:

13 Yes.

14 HEARING MASTER ST. PIERRE:

15 He's your --

16 MR. BRUMFIELD:

17 Yes, he's my representative.

18 HEARING MASTER ST. PIERRE:

19 Okay.

20 DIRECT EXAMINATION OF DALTON MILLER

21 BY MR. BRUMFIELD:

22 Q State your full name and address for the
23 record, please.

24 A Dalton Miller, 14875 Linda Lane, Denham
25 Springs, Louisiana 70726.

1 Q Mr. Miller, do you know Nicholas Fetty?

2 A Yes, I do.

3 Q How do you know Nicholas Fetty?

4 A He is my employer.

5 Q Okay. So you are an employee of Delta
6 Tactical; is that correct?

7 A Yes, sir.

8 Q Okay. Were you a party to a conversation
9 with a Colt Miller?

10 A Yes, sir.

11 Q Let me play an audiotape for you and for
12 the Board, and I'll ask you if this is the
13 conversation you had with Colt Miller?

14 MR. CROUCH:

15 Wait. Wait, John.

16 HEARING MASTER ST. PIERRE:

17 Hold on one second. If you can pause it.

18 MR. CROUCH:

19 Yeah, I want to object to the playing of
20 the recording.

21 I have reviewed the transcript of it and
22 it is full of double hearsay. It's one person
23 saying to another person what another person
24 said. There's a certain amount of leeway in
25 Administrative Hearings with regard to

1 hearsay, but hearsay cannot be dispositive of
2 the matter at issue. Okay.

3 So I wanted to get that on the record
4 that I object on the basis of hearsay of what
5 you're about to hear.

6 MR. BRUMFIELD:

7 And my response is that the hearsay is
8 statements made by a Member of this Board;
9 therefore, it is not hearsay. It's an
10 exception to the Hearsay Rule that statements
11 of a party in interest is not hearsay.

12 HEARING MASTER ST. PIERRE:

13 Mr. Crouch?

14 MR. CROUCH:

15 Wait. Wait. I'm not clear that -- is
16 this the Affidavit that is part of your
17 pleadings that's a transcript of the --

18 MR. BRUMFIELD:

19 Of that conversation, yes.

20 MR. CROUCH:

21 What Member of the Board is part of that
22 conversation?

23 MR. BRUMFIELD:

24 No, it's -- it's a --

25 MR. CROUCH:

1 What you said was a Member of the Board.

2 MR. BRUMFIELD:

3 It's a statement made by a statement of a
4 Member of the Board.

5 MR. CROUCH:

6 I understand. And that's triple -- I
7 mean that's double hearsay. You can't -- you
8 can't testify of -- one person can't testify
9 as to what another person said to another
10 person. That's hearsay.

11 MR. BRUMFIELD:

12 Right, but there's an exception to the
13 hearsay if that statement is made by a party
14 to the proceedings.

15 MR. CROUCH:

16 But he is not a party to the proceedings.
17 He's the Executive Director. He is -- this is
18 the Board. This is the decision-making Body
19 right up here.

20 MR. BRUMFIELD:

21 But he is a --

22 MR. CROUCH:

23 I know.

24 MR. BRUMFIELD:

25 -- an employee of --

1 MR. CROUCH:

2 John, we have to argue this to the Board
3 and to the referee. I've stated my objection.

4 HEARING MASTER ST. PIERRE:

5 Correct. Okay. I -- my opinion is that
6 it does contain double hearsay. I don't -- I
7 don't agree with the argument here.

8 But, Mr. Crouch, are you arguing -- is
9 your objection that it not be played?

10 MR. CROUCH:

11 I think he's entitled to proffer it.

12 MR. BRUMFIELD:

13 I'm going to make a proffer.

14 But I'll let -- Erin, I'll let you
15 continue.

16 HEARING MASTER ST. PIERRE:

17 Yeah. I'm going to go ahead and sustain
18 the objection.

19 You can proffer it.

20 MR. BRUMFIELD:

21 Okay.

22 HEARING MASTER ST. PIERRE:

23 So you can continue.

24 MR. BRUMFIELD:

25 Does the Board want to leave the Chambers

1 for the proffer?

2 HEARING MASTER ST. PIERRE:

3 For the proffer, you're going to have to
4 leave. Yes, you will.

5 MR. CROUCH:

6 Yeah, probably the best.

7 CHAIRPERSON PIERRE:

8 That's fine.

9 MR. CROUCH:

10 Could you guys take a break while we play
11 this tape for the record?

12 HEARING MASTER ST. PIERRE:

13 Yeah. Thank you.

14 MR. CROUCH:

15 And, wait. Wait. Wait. This -- they
16 have the Affidavit. It was part of your
17 pleadings.

18 CHAIRWOMAN PIERRE:

19 We have it.

20 MR. CROUCH:

21 They have the transcript.

22 HEARING MASTER ST. PIERRE:

23 So who -- okay.

24 CHAIRWOMAN PIERRE:

25 And we've already read it.

1 MR. CROUCH:

2 And they've already read it. Let's not
3 -- you're free to proffer it, but they don't
4 have to leave. They've already read what you
5 filed with the record, so ...

6 MR. BRUMFIELD:

7 Okay.

8 HEARING MASTER ST. PIERRE:

9 I wasn't aware of what they had already
10 seen and what they had already -- what their
11 knowledge is. So with that in mind, let's go
12 ahead and have them back in here.

13 MR. BRUMFIELD:

14 The basis of playing it is I want to lay
15 the foundation with Mr. Miller that those were
16 his voices -- that's his voice and Colt
17 Miller's voice.

18 HEARING MASTER ST. PIERRE:

19 I understand. You're wanting to
20 authenticate the --

21 MR. BRUMFIELD:

22 Yes, I want to lay the foundation.

23 MR. CROUCH:

24 I have no objection to his proffer,
25 obviously.

1 HEARING MASTER ST. PIERRE:

2 Okay. Go grab them back in.

3 MR. BLACHE:

4 They're -- they're coming.

5 HEARING MASTER ST. PIERRE:

6 Okay.

7 (WHEREUPON, AUDIO RECORDING WAS PLAYED AND PAUSED)

8 HEARING MASTER ST. PIERRE:

9 And, Sir, can you hear this?

10 A Yes, ma'am.

11 MR. BRUMFIELD:

12 Are we ready, Erin?

13 MR. CROUCH:

14 No, there are a few Board Members that
15 are still out.

16 CHAIRWOMAN PIERRE:

17 They're on their way back in.

18 I think we're ready for you to proceed.

19 (WHEREUPON, AUDIO RECORDING WAS PLAYED)

20 BY MR. BRUMFIELD:

21 Q Mr. Miller, when was that recording made?

22 A November 17th of last year.

23 Q You recognize the voices on that
24 recording?

25 A Yes, sir.

1 Q Who do those -- who are those voices?

2 A It is myself and Colt.

3 Q And that would be Colt Miller?

4 A Yes, sir.

5 Q Did Mr. Miller ever tell you anything
6 else about the conversation that Mr. Blache had
7 with the Board regarding Nick Fetty?

8 A No, sir.

9 MR. BRUMFIELD:

10 I've got photographs, several photographs
11 that I'd like the Board to review.

12 HEARING MASTER ST. PIERRE:

13 Are you introducing these photographs?

14 MR. BRUMFIELD:

15 I'm going to lay a foundation, and then
16 I'm going to introduce it. Yes.

17 BY MR. BRUMFIELD:

18 Q Mr. Miller, let me show you a photograph
19 and ask if you recognize that photograph?

20 A Yes, sir.

21 Q What does that photograph represent?

22 A It is a photograph of Colt Miller trying
23 to get me to come and talk to him here at the Board
24 about Nick.

25 Q When did you receive that photograph?

1 A December 3rd at about 12:50 in the
2 morning.

3 Q Okay. Read to me, if you would, what the
4 caption is on that photograph?

5 A I'm giving you a chance to not go down
6 with Nick Fetty. If you don't want to, you will
7 meet me at the Board Monday. If not, all charges
8 against Nick will include you in the warrants.

9 Q Do you know what Mr -- what Colt Miller
10 meant by that?

11 A No, sir.

12 MR. BRUMFIELD:

13 Okay. In conjunction with the witness's
14 testimony, I'd like to offer, file, and
15 introduce into evidence the photograph
16 identified by Mr. Miller and mark that as
17 Fetty -- are we letters or numbers?

18 HEARING MASTER ST. PIERRE:

19 I think we're letters.

20 You have any objection?

21 MR. CROUCH:

22 Absolutely, but I'm going to save it for
23 my cross examination.

24 HEARING MASTER ST. PIERRE:

25 Okay.

1 MR. BRUMFIELD:

2 Mark that as Delta Tactical #B.

3 BY MR. BRUMFIELD:

4 Q Were you in attendance at a Board -- at a
5 meeting at LEWCO Company?

6 A Yes, sir.

7 Q Do you recall whether that meeting took
8 place?

9 A November 20th.

10 Q Was that meeting after the recording that
11 we've just heard?

12 A Yes, sir.

13 Q Okay. Who else was at that meeting; do
14 you recall?

15 A It was myself, Nick Fetty, Max Fetty,
16 Kevin Marshall, Colt Miller, and Mr. Fabian Blache,
17 and Lewis Dill.

18 Q Okay. And what was discussed at that
19 meeting?

20 A A check that was -- that we were supposed
21 to be picking up for a contract that we held with
22 Lewis.

23 MR. BRUMFIELD:

24 That's all the questions I have.

25 CROSS EXAMINATION OF DALTON MILLER

1 BY MR. CROUCH:

2 Q Mr. Miller, I want to -- I want to talk
3 about this photograph. Tell me again what this is
4 a photograph of.

5 A It is a picture of Colt at what I can
6 only assume is a club in the middle of the night
7 trying to get me to come up here and talk with him
8 at the Board.

9 Q So how did you come into possession of
10 this?

11 A He personally sent it to me on Snapchat.

12 Q How do you know with absolute certainty
13 it came from him?

14 A I mean, unless somebody has his phone,
15 that would make no sense.

16 Q I got that. But how do you of your own
17 personal knowledge know that it came from Colt?

18 A Well, because we were friends at the
19 time.

20 Q That's not my question. How do you
21 personally know that this photograph came to you
22 from Colt? Isn't it possible that somebody else
23 could have had his phone and sent it?

24 A Yes.

25 Q Okay. This statement here, this is

1 purported to be a statement made by Colt to you;
2 correct?

3 A Correct.

4 Q Okay. If Colt were to deny he made this
5 statement, what would you say to that?

6 A I mean I would probably feel like he's
7 lying.

8 MR. CROUCH:

9 Now, I want to object to the
10 admissibility of it as hearsay. And the
11 authenticity of it, to me, is in serious
12 question.

13 HEARING MASTER ST. PIERRE:

14 I --

15 MR. CROUCH:

16 And this is a proffer, by the way.

17 HEARING MASTER ST. PIERRE:

18 I realize that -- that -- I'm going to
19 sustain the objection, only because I believe
20 it is -- is the person who sent this photo
21 here?

22 MR. BRUMFIELD:

23 Yeah, he's going to testify next. I'm
24 going to lay the foundation.

25 HEARING MASTER ST. PIERRE:

1 He could properly authenticate it then,
2 and this objection will be a moot point.

3 MR. CROUCH:

4 Then, I'll withdraw the objection.

5 MR. BRUMFIELD:

6 But the purpose of my offering it now is
7 to get Mr. Miller to identify that this was
8 the photograph that was sent to him that he
9 received --

10 HEARING MASTER ST. PIERRE:

11 And for the purposes --

12 MR. BRUMFIELD:

13 -- via Snapchat.

14 HEARING MASTER ST. PIERRE:

15 And for the purposes of him stating that
16 point, I think that's fine. But he can't
17 authenticate that Nick sent it.

18 MR. BRUMFIELD:

19 No. The only thing he can authenticate
20 is he received it.

21 HEARING MASTER ST. PIERRE:

22 Correct.

23 MR. BRUMFIELD:

24 Okay.

25 HEARING MASTER ST. PIERRE:

1 Are we -- any further --

2 MR. CROUCH:

3 No. I think that I -- I want to be
4 clear. Are we still in the proffer?

5 HEARING MASTER ST. PIERRE:

6 My understanding is that we're no longer
7 in the proffer because the proffer only
8 included the recording.

9 MR. CROUCH:

10 Only as to the recording.

11 MR. BRUMFIELD:

12 We already did the recording.

13 MR. CROUCH:

14 Okay. Right.

15 HEARING MASTER ST. PIERRE:

16 So, now, we're --

17 MR. CROUCH:

18 We're now back on the record.

19 HEARING MASTER ST. PIERRE:

20 On the record, correct.

21 MR. CROUCH:

22 Right.

23 MR. BRUMFIELD:

24 Okay. That's all I have for Mr. Miller.

25 MR. CROUCH:

1 Oh, wait. I've --

2 MR. BRUMFIELD:

3 Oh, I'm sorry.

4 MR. CROUCH:

5 I've got a couple of more questions.

6 MR. BRUMFIELD:

7 Okay.

8 BY MR. CROUCH:

9 Q Mr. Miller, your -- the address that you
10 stated, what is that address again, please?

11 A 14875 Linda Lane --

12 Q What --

13 A -- Denham Springs, Louisiana.

14 Q What is that location?

15 A It's Nick's house.

16 Q You live at that house?

17 A Yes, sir.

18 Q I gotcha. All right. How are you
19 presently employed?

20 A I'm not.

21 MR. CROUCH:

22 I have no further questions.

23 MR. BRUMFIELD:

24 Nothing in followup.

25 HEARING MASTER ST. PIERRE:

1 Okay. You had requested the
2 sequestration. Do you want him to remain or
3 do you want the sequestration to remain in
4 effect?

5 MR. BRUMFIELD:

6 I don't intend on calling him back. He
7 can -- he can stay in here if he'd like.

8 HEARING MASTER ST. PIERRE:

9 Okay, sir. You can stay in here.

10 THE WITNESS:

11 You want me to leave this here, the
12 photo?

13 MR. BRUMFIELD:

14 Yes. Leave that there, if you don't
15 mind.

16 And at this time, I'd call Colt Miller.

17 DIRECT EXAMINATION OF COLT MILLER

18 BY MR. BRUMFIELD:

19 Q Would you state your name and address for
20 the record?

21 A Colt B. Miller, 39102 Whitfield Road,
22 Gonzales, Louisiana.

23 Q Mr. Miller, I don't want to be
24 disrespectful to you when I cross examine you or
25 when I examine you, but we've got two Millers.

1 A Understood.

2 Q So I want to keep the record clear and
3 I'm going to refer to you as Colt --

4 A That's fine.

5 Q -- rather than Mr. Miller.

6 HEARING MASTER ST. PIERRE:

7 Absolutely. That's fine.

8 BY MR. BRUMFIELD:

9 Q Where are you employed?

10 A I work for myself. I'm a contractor.

11 Q Okay. Have you ever been an employee of
12 the Board of Private Security Examiners?

13 A Negative.

14 Q Okay. Were you at one time an employee
15 of Delta Tactical?

16 A Yes.

17 Q When?

18 A October of 2017.

19 Q Until when?

20 A October of 2017.

21 Q Do you know the specific date?

22 A I want to say my first guard post was the
23 20 -- I'm sorry, the 1st or 2nd of October, and I
24 left three weeks after.

25 Q Where did -- when did -- where did you

1 stand your first post?

2 A My first post was at Lewis and Company in
3 Mall City.

4 Q That would be LEWCO?

5 A LEWCO, correct.

6 Q Okay. Did you ever receive a check from
7 Delta Tactical for work performed for Delta
8 Tactical?

9 A No, sir.

10 Q Not one check at any time?

11 A Not one penny, correct.

12 Q Okay. Were you a party to a conversation
13 with Dalton Miller?

14 A Several conversations.

15 Q A telephone conversation?

16 A Yes, sir.

17 Q Do you recall a conversation you had with
18 Mr. Miller on November the 17th of 2017 -- I mean,
19 yes, November 17th of 2017?

20 A I'm not a hundred percent certain of the
21 date, but I had a conversation approximately at
22 that time with him.

23 Q Okay. I'm going to play the tape for
24 Mr. Miller for Colt to identify his voice and lay
25 the foundation for the audio.

1 HEARING MASTER ST. PIERRE:

2 And you're going to be using -- using it
3 for what purpose? Because I believe -- I
4 think the issue that Mr. Crouch had was -- was
5 in regards to the fact that it contained
6 double hearsay.

7 MR. BRUMFIELD:

8 I understand.

9 HEARING MASTER ST. PIERRE:

10 Which I believe that it does.

11 MR. CROUCH:

12 I have no objection to a proffer of it
13 for the purposes asked for.

14 HEARING MASTER ST. PIERRE:

15 So once again --

16 MR. BRUMFIELD:

17 Yes.

18 HEARING MASTER ST. PIERRE:

19 -- we'll be in proffer mode, and you can
20 play it.

21 MR. BRUMFIELD:

22 All right. Thank you.

23 BY MR. BRUMFIELD:

24 Q Colt, I'm going to play an audiotape and
25 I want to ask you if you could identify any of the

1 voices?

2 (WHEREUPON, AUDIO RECORDING WAS PLAYED)

3 BY MR. BRUMFIELD:

4 Q Colt, do you recognize the voices on that
5 recording?

6 A Yes, and I recollect the conversation in
7 entirety.

8 Q Okay. And I think your testimony was you
9 were not sure of the date --

10 A Correct.

11 Q -- of that? You wouldn't be in a
12 position to disagree if it's determined that that
13 audio was taken on November the 17th of 2017; would
14 you?

15 A That's correct.

16 Q You would not be in a position to refute
17 that?

18 A I would not be in a position to disagree.

19 Q Okay. There's a photograph in front of
20 you.

21 A Uh-huh.

22 Q Do you recognize that photograph?

23 A I do.

24 Q Who is that a photograph of?

25 A That is me.

1 Q Do you recall when you took that
2 photograph?

3 A I do not recall the date. It is a
4 Snapchat photo if I recollect correctly.

5 Q Okay. Did you send that to Dalton
6 Miller?

7 A I did indeed.

8 Q There is some caption down at the bottom.

9 A Uh-huh.

10 Q Did you write that on that photograph?

11 A I did indeed.

12 Q Okay. And it says that you're going to
13 give him a chance not to go down with Nick Fetty?

14 A Uh-huh.

15 Q What do you mean when you say, go down
16 with Nick Fetty?

17 A Very broad statement, really speculation
18 more than anything and just an attempt to get any
19 information from Dalton that I can.

20 Q Okay. You invite him to come meet you at
21 the Board on Monday?

22 A Correct.

23 Q What was the purpose of that meeting
24 Monday?

25 A I was merely going to bring him in and

1 try to assist Mr. Fabian and the Board as well at
2 getting any information that they can regarding any
3 actions -- actions or working after the licensure
4 of or license to Cease and Desist in the expiration
5 of the TRO to the Board, any of that information.

6 Q So you were requesting of Dalton Miller
7 to come speak with Mr. Blache?

8 A Correct.

9 Q Was that at Mr. Blache's request?

10 A Negative.

11 Q Okay. What made you think that
12 Mr. Blache would be interested in talking to
13 Mr. Miller?

14 A Well, the Board or the Private Board --
15 or the Board of Private Security Examiners, excuse
16 me, specifically states that if you are an employee
17 or if you know anything of any illegal or
18 rule-breaking actions by your employer or another
19 security company that you have a responsibility to
20 report those actions to the Board, which in case
21 that direct contact would be Mr. Fabian. So at
22 that point, I would attempt to set up a meeting
23 where any actions that I felt were not following
24 the rules or the laws of the Board of Private
25 Security Examiners, I would try to bring Mr. Dalton

1 in to give that information to Mr. Fabian.

2 Q Were you privy to any knowledge or any
3 information that would be relevant to that issue?

4 A Which issue exactly are you speaking of?

5 Q Of any violations of the law by Mr. Fetty
6 or Dalton Miller that -- you said that you're
7 obligated to report it to the Board.

8 A Correct.

9 Q Did you have knowledge at that point of
10 any violations of the law by either Mr. Fetty or
11 Dalton Miller?

12 A I knew that the TRO had expired two days
13 prior to the last two days I worked to LEWCO post.
14 With the TRO in expiration and the Cease and Desist
15 issued by Mr. Fabian Blache, at that point, I was
16 illegally standing a post, which led me to believe
17 that potentially Delta Tactical could still be
18 standing post illegally against the law and against
19 the rules of the Board.

20 Q But you were not -- you were not aware of
21 any specific violations at that time; correct?

22 A No.

23 Q Did you accompany Mr. Blache to LEWCO to
24 issue a subpoena to LEWCO for time cards?

25 A We ran into one another there. He went

1 to issue a subpoena. At that point, I was giving
2 Mr. LEWCO (sic) his key. I had arrived previously
3 to Mr. Blache.

4 And at that point, I was expressing my
5 concern about not being paid to Mr. Lewis as well
6 as turning in a report that I had written that
7 assisted BRPD in a burglary arrest on his property.

8 Q Okay. Did you give Mr. Dill a copy of
9 that report at that time?

10 A I did indeed.

11 Q Okay. In that audiotape --

12 A Uh-huh.

13 Q -- it references a meeting of the Board
14 in December.

15 A Correct.

16 Q Were you aware of that pending meeting?

17 A It's public knowledge.

18 Q Okay. How did you get that meeting --
19 how did you get that date, that notice of that
20 date?

21 A I had asked Mr. Fabian if there was
22 another meeting coming up or a Board meeting. With
23 it being public knowledge, he had no reason not to
24 disclose that information to me.

25 Q When did you ask that question?

1 A I don't have a date specifically or a
2 time.

3 Q So it was before the November 17th
4 telephone conversation?

5 A Yes.

6 Q Okay.

7 HEARING MASTER ST. PIERRE:

8 And for housekeeping purposes, you're
9 wanting to offer, file, and introduce this
10 photograph you've marked as Exhibit B?

11 MR. BRUMFIELD:

12 Again?

13 HEARING MASTER ST. PIERRE:

14 No, I just want to make sure we've --
15 I've accepted it properly because --

16 MR. BRUMFIELD:

17 Oh, it's subject to an objection.

18 HEARING MASTER ST. PIERRE:

19 So, Mr. Crouch, you had initially --

20 MR. CROUCH:

21 These are marked for identification only
22 right now; right?

23 HEARING MASTER ST. PIERRE:

24 I'm sorry?

25 MR. CROUCH:

1 They're marked for identification only
2 right now; correct?

3 HEARING MASTER ST. PIERRE:

4 As of right now, they are marked for
5 identification only.

6 MR. CROUCH:

7 Okay. Yeah, I got it.

8 HEARING MASTER ST. PIERRE:

9 And I was wondering --

10 MR. BRUMFIELD:

11 We're talking about B?

12 HEARING MASTER ST. PIERRE:

13 B. Did you have any further objection?

14 MR. CROUCH:

15 Oh, no, I have no further objection.

16 HEARING MASTER ST. PIERRE:

17 Okay. We're going to --

18 MR. CROUCH:

19 Okay.

20 HEARING MASTER ST. PIERRE:

21 We're going to go ahead and accept that
22 into the record.

23 MR. CROUCH:

24 That would explain that.

25

1 BY MR. BRUMFIELD:

2 Q Colt, I gave you some photographs.

3 A Correct, Snapchat photos.

4 Q Correct. Let me ask you to review those?

5 A Done.

6 Q And do you recognize those photographs?

7 A I do indeed. They were posted to my
8 Snapchat.

9 Q Okay. And who is -- who appears in those
10 photographs?

11 A That would be Mr. Fabian Blache, III,
12 Director of the Private Board -- or the Board of
13 Private Security Examiners.

14 Q Okay. Do you recall when those
15 photographs were taken?

16 A I don't have exact dates, but I do recall
17 the photos and what we were -- where we were and
18 what we were doing in each one.

19 Q Okay. Well, explain the number one to
20 me, if you don't mind? The first one --

21 A I will explain it.

22 Q -- where were you at?

23 A So upon introduction to Mr. Blache, III
24 and talking to Mr. Blache, III and working with him
25 regarding the Delta situation and investigation, I

1 took an interest in becoming a contracted
2 inspector.

3 Basically, the Board of the State has a
4 position where a person could come on and do
5 inspections for the Board under a contract
6 position. At this point, before jumping into the
7 water, if you will, upon other considerations of
8 starting my own security company as well,
9 Mr. Blache offered the opportunity to go out and
10 understand and fully learn what it is the
11 Private -- or the Board of Security Examiners does
12 during the inspection process.

13 At this point, we were getting ready to
14 go to a few spots here in Baton Rouge where some
15 known security companies were operating, and he was
16 going to do some inspections with me tagging along
17 and understanding how the process worked.

18 Q Okay. Photograph No. 1, where was that
19 photograph taken?

20 A That photograph, I think that's at my
21 house.

22 Q Okay. How about No. 2 or the second
23 photograph in that stack?

24 A That is at a bar in Lafayette.

25 Q Okay. How about No. 3 or the third one

1 in that?

2 A Just outside that bar in Lafayette -- no,
3 I apologize. That's Texas Club.

4 Q Okay. That's inside Texas Club?

5 A That is inside Texas Club.

6 Q Okay.

7 A At that point, learning -- upon my
8 interest of learning more about what the Board of
9 Private Security Examiners does and what the
10 differences between my prior experience as a
11 security professional in the bar and nightclub
12 industry and what the -- what a security
13 professional does in a different capacity, I took
14 Mr. Fabian Blache to the Texas Club to not only
15 show him around, introduce him to some of the
16 bouncers there that I used to be head of security
17 of, but also explain to him how the ATC process
18 works in the licensing and training for
19 individuals, as well as him explaining to me how
20 his process or how the Board's process differs.

21 Q Okay. Your previous testimony was that
22 you had applied for licensure by the Board as a
23 security company; correct?

24 A That's not correct -- well, it is correct
25 that I said that, but it is not correct in factual

1 information that I was considering applying. I
2 only said that to get information from Mr. Dalton
3 if that was -- if he had any information.

4 Q So the statements that you had applied
5 for the Board and that you had been approved and
6 that you're just waiting to get insurance, that was
7 not correct?

8 A That is not a factual statement, no, sir.

9 Q Your testimony earlier was that you're
10 self-employed; correct?

11 A I am self-employed.

12 Q What kind of work do you do?

13 A I am a -- I have a remodeling license
14 through the State of Louisiana. I do residential
15 and commercial remodeling.

16 Q What else in that audio that we listened
17 to is not true?

18 A Most of what I said is not true in that
19 audio. It was purely to get any information from
20 Dalton regarding any activities by Delta or Nick
21 that may not be in line with the laws or the rules
22 of the Board of Private Security Examiners.

23 Q But you were aware at the time of that
24 audio that there was a Board scheduled to be held
25 to hear Mr. Fetty's revocation; correct?

1 A I knew that there was a Board meeting at
2 some point in December.

3 Q Okay. And you got that information from
4 Mr. Blache?

5 A I did indeed.

6 MR. BRUMFIELD:

7 Okay. In conjunction with the witness's
8 testimony, I'd like to offer, file, and
9 introduce into evidence the photographs that
10 Mr -- that Colt had identified and mark those
11 as Delta Tactical --

12 HEARING MASTER ST. PIERRE:

13 I think we're on C.

14 MR. BRUMFIELD:

15 -- C -- is it C or D?

16 HEARING MASTER ST. PIERRE:

17 C.

18 MR. BRUMFIELD:

19 C In Globo.

20 HEARING MASTER ST. PIERRE:

21 One through five? Is it five photos?

22 MR. BRUMFIELD:

23 I think it's six.

24 MR. RIVERS:

25 No, it's six.

1 CHAIRPERSON PIERRE:

2 Yeah, it is six.

3 HEARING MASTER ST. PIERRE:

4 It's six. Sorry.

5 MR. BRUMFIELD:

6 C In Globo.

7 HEARING MASTER ST. PIERRE:

8 Any objection?

9 MR. CROUCH:

10 I do indeed. I object to the
11 admissibility on the basis of relevance. The
12 point of this hearing is whether or not this
13 Board, the final decision-maker, has been
14 prejudiced. I do not see the relevance of any
15 of this stuff with regard to the Board.

16 With that having been said, I would not
17 object to his proffer of those for the record.

18 HEARING MASTER ST. PIERRE:

19 I'm going to go ahead and rule -- I'm
20 going to go ahead and overrule your objection.
21 And they can be admitted into evidence.

22 BY MR. BRUMFIELD:

23 Q Okay. Based on your testimony and the
24 photographs that we've introduced into evidence,
25 you had quite a bit of contact with Mr. Blache;

1 correct?

2 A Yes, regarding my interest in either
3 starting a security company of my own or becoming a
4 contract inspector.

5 Q Okay. When was the first time that you
6 met Mr. Blache?

7 A I don't remember the exact date, but it
8 would be the -- contact or met would be -- I -- the
9 first time I contacted, had contact with him via
10 the telephone or met with him?

11 Q Well, let's do both.

12 A First time I had contact with Mr. Blache
13 was when I called him regarding not being paid by
14 Delta Tactical.

15 Q Okay.

16 A And I believe I met with him later in
17 that week a couple of days later. And that is
18 where he told me to go ahead and give Mr. Lewis
19 back his key for his property that I had possession
20 of.

21 Q Okay. And that was before the telephone
22 conversation?

23 A Yes.

24 Q Because I think in the telephone
25 conversation that you said that you had given the

1 key back to LEWCO?

2 A That's correct.

3 Q At Mr. Blache's instruction?

4 A Correct.

5 Q Okay. Were these photographs taken after
6 the November 20th meeting at LEWCO or do you know?

7 A These photographs? Yes.

8 Q Yes.

9 A All of these were.

10 MR. BRUMFIELD:

11 Okay. I have no further questions.

12 CROSS EXAMINATION OF COLT MILLER

13 BY MR. CROUCH:

14 Q Can I call you Colt?

15 A Yes, sir, please do.

16 Q Colt, who initiated the phone call to
17 Miller?

18 A To Dalton?

19 Q To Dalton, yeah.

20 A Dalton called me after I sent him a text
21 message letting him know that I had turned the
22 Lewis and Company key back in.

23 Q I got it. Did the -- the text message
24 said what?

25 A I don't recollect 100 percent.

1 Q Okay. But Dalton called you?

2 A Correct.

3 Q Correct?

4 A Yes, sir.

5 Q Do you have any idea why he would have
6 initiated that call to you?

7 A I think he wanted to get more clarity or
8 try to persuade any information that he could out
9 of me, assuming that I had a close relationship or
10 was privy to some sort of information from the
11 Board.

12 Q When you --

13 A But that's speculation. That's my
14 belief.

15 Q I understand. During your employment
16 with Delta Tactical, were you ever registered as
17 required by law?

18 A I was apparently not registered or
19 trained as required by law.

20 Q Did -- why did you leave Delta Tactical?

21 A I had not received a paycheck and I began
22 to have growing concerns, not only with how the
23 things were being managed as far as personnel, but
24 I had growing concerns as far as the expiration of
25 the TRO. I wasn't getting a clear answer on what

1 the status was of that, as well as understanding
2 that there was a Cease and Desist issued by
3 Mr. Fabian at that point or prior to that point.

4 Q You had growing concerns, you said;
5 correct?

6 A Correct.

7 Q About what?

8 A About the validity of the TRO or the date
9 of the validity of the TRO. I know that it was
10 told to me specifically, and I quote, proceed with
11 business as usual, via text message from Nick when
12 I inquired about what the status of that TRO was.
13 And my experience of -- as a military policeman, my
14 spidey senses, if you will, kind of started to
15 tingle.

16 MR. CROUCH:

17 I have no further questions.

18 A Understood.

19 REDIRECT EXAMINATION OF COLT MILLER

20 BY MR. BRUMFIELD:

21 Q For clarification --

22 A Uh-huh.

23 Q -- you said that you got -- that you sent
24 Dalton a text?

25 A Correct.

1 Q And in response to his text, he called
2 you?

3 A Correct.

4 Q So even though he made the call, you
5 initiated the conversation with the text; correct?

6 A Correct.

7 Q Okay. You said that you were aware of a
8 Cease and Desist Order?

9 A Prior to the TRO.

10 Q Okay. Who told you about a Cease and
11 Desist Order?

12 A Nick Fetty did.

13 Q Okay.

14 A He was waiting on it in the mail.

15 Q When did he tell you about it?

16 A I don't recollect a date exactly.

17 Q All right. And you were aware that there
18 was an injunction issued on that Cease and Desist
19 Order; correct?

20 A The TRO is what you're referring to?

21 Q Yes.

22 A Yes. I was aware that Judge Caldwell had
23 issued a TRO.

24 Q Okay. You made a statement about a text
25 from Nick saying, continue --

1 A It was business as usual, quote, unquote.

2 Q When did you receive that text?

3 A I don't recollect the date exactly, but
4 it was upon my inquiring about the status of the
5 licensing and TRO.

6 Q What was your knowledge of the TRO?

7 A That it was close to expiration or had
8 recently expired and that they had another court
9 date scheduled. I don't know the dates exactly.

10 At that point, my concern was, well, is
11 this TRO expired? Have -- I did know -- I did know
12 that it was based on Mr. Fetty's apprehension by
13 law enforcement that there was a continuance issued
14 for that court date. So there was a window of
15 concern that I had, whether or not that TRO was
16 still valid up to the point of that next court
17 date.

18 MR. CROUCH:

19 A little late, Your Honor, but I'm going
20 to object.

21 This is redirect and the redirect is
22 supposed to only illicit what might have come
23 out on the cross examination. And I think
24 this is a continuation of his direct
25 examination, for the record.

1 MR. BRUMFIELD:

2 The cross examine was the text that Colt
3 responded to a question of Mr. Crouch
4 regarding the TRO.

5 HEARING MASTER ST. PIERRE:

6 I'm going to overrule the objection.

7 BY MR. BRUMFIELD:

8 Q You mentioned the apprehension of
9 Mr. Fetty?

10 A Correct, at the Texas Club.

11 Q Do you recall when that was?

12 A I do not recall the date that it was
13 specifically, but I do remember getting a text
14 message that evening while he and his wife were
15 attending a concert, that he had been apprehended
16 from the owners of the Texas Club.

17 Q You had mentioned you had some concerns
18 about the TRO?

19 A Correct.

20 Q What was your knowledge of the TRO?

21 A My knowledge of the TRO was simply that
22 it had been issued after the Cease and Desist by
23 Judge Caldwell that Nick was pursuing some matters
24 regarding Mr. Fabian's involvement in the Cease and
25 Desist and whether or not he had the authority to

1 issue it.

2 And so he had gotten that initial TRO.
3 And like I said, at that point, towards the end of
4 that TRO, there was kind of a gray area of when
5 that next court date was going to be due to the
6 continuance.

7 MR. CROUCH:

8 Your Honor, I'm going to strenuously
9 object. I don't recall mentioning any of this
10 in cross examination.

11 HEARING MASTER ST. PIERRE:

12 Did you bring up the TRO in cross?

13 MR. CROUCH:

14 I did not.

15 MR. BRUMFIELD:

16 He brought up the text.

17 MR. CROUCH:

18 Just the text, which --

19 HEARING MASTER ST. PIERRE:

20 Did you bring up the TRO in your direct
21 examination?

22 MR. BRUMFIELD:

23 No, but the text was based on his
24 concerns about the TRO.

25 A My text to Nick Fetty was based on the

1 concerns about the TRO.

2 MR. BRUMFIELD:

3 And Mr. Crouch brought up the text
4 that -- from Nick.

5 HEARING MASTER ST. PIERRE:

6 I'm going to go ahead and allow it. I'm
7 also going to caution you. I know we had
8 talked about this earlier that we were going
9 up against a 30-minute line. I know you had
10 said, you said you would --

11 MR. BRUMFIELD:

12 Yes.

13 HEARING MASTER ST. PIERRE:

14 -- attempt to --

15 MR. BRUMFIELD:

16 Yes.

17 HEARING MASTER ST. PIERRE:

18 -- stick to that time limit.

19 BY MR. BRUMFIELD:

20 Q Were you aware that the TRO was extended
21 to November the 8th?

22 A I was not aware of any specific dates on
23 the TRO or its extensions or any of the matter.
24 Like I said, it was merely a caution by me
25 personally, as I quoted, my spidey senses started

1 to tingle. I started to grow concern about the
2 expiration dates of the TRO, knowing that the court
3 date had been -- or the court had been continued to
4 a later date.

5 Q But you had no firm knowledge of when the
6 TRO was going to expire?

7 A Correct.

8 MR. BRUMFIELD:

9 Okay. I have nothing further.

10 HEARING MASTER ST. PIERRE:

11 Okay.

12 MR. CROUCH:

13 No further.

14 MR. BRUMFIELD:

15 I have no further witnesses.

16 HEARING MASTER ST. PIERRE:

17 Do you -- you rest at this point?

18 MR. BRUMFIELD:

19 I rest.

20 HEARING MASTER ST. PIERRE:

21 Mr. Crouch?

22 MR. CROUCH:

23 I would call Mr. Fabian Blache to the
24 stand, please.

25 HEARING MASTER ST. PIERRE:

1 Sir, you may step down.

2 COLT MILLER:

3 Do I seat or do I go back to the
4 conference room?

5 HEARING MASTER ST. PIERRE:

6 I don't think he plans on recalling you,
7 so you can step -- you can --

8 CHAIRWOMAN PIERRE:

9 Do you plan on recalling him to the
10 witness stand or are you finished with him?

11 MR. BRUMFIELD:

12 Who? Colt?

13 CHAIRWOMAN PIERRE:

14 Colt. Colt.

15 MR. BRUMFIELD:

16 Depends on testimony that Mr. Blache
17 gives.

18 CHAIRPERSON PIERRE:

19 We're trying to determine whether or not
20 he should stay in the room or does he have to
21 leave?

22 MR. BRUMFIELD:

23 Sequestration may -- may apply.

24 CHAIRPERSON PIERRE:

25 Sir, do you mind leaving?

1 COLT MILLER:

2 Okay.

3 MR. BLACHE:

4 I do remember that I'm under oath just
5 for the record.

6 CHAIRPERSON PIERRE:

7 Thank you.

8 DIRECT EXAMINATION OF FABIAN P. BLACHE, III

9 BY MR. CROUCH:

10 Q Mr. Blache, state your name and business
11 address for the record, please?

12 A Fabian Peter Blache, the Third. Business
13 address is 15703 Old Hammond Highway, Baton Rouge,
14 Louisiana 70816.

15 Q How are you employed?

16 A I'm employed here as the Executive
17 Director and Chief Administrative Officer of the
18 State Board of Private Security Examiners.

19 Q How long have you been so employed?

20 A Since March 23rd of 2016.

21 Q Briefly, very briefly state for the
22 record what you perceive your duties to be.

23 A My duties, as outlined in Title 37 are to
24 run the day to day administrative operations and
25 procedures of the Board, which include the issuing

1 of licenses, the determination of qualifications,
2 training qualifications, the issuing of
3 suspensions, revocation notices, and Cease and
4 Desist notices in part.

5 Q As part of those duties, would you be
6 involved in the gathering of facts and doing
7 investigations as to activities of licensed
8 companies?

9 A Yes.

10 Q Okay. When you gather sufficient facts,
11 in your opinion, that justifies some sort of action
12 against a company, who is the final decision maker
13 as to whatever action you take?

14 A Ultimately, the final decision maker is
15 the Board. The actions that I take take the
16 process up to a certain point administratively, and
17 then the Board always has the final say on whether
18 or not to uphold any of those actions taken.

19 Q Particularly, the revocation of a
20 license, companies and individuals are entitled to
21 appeal; is that correct?

22 A Yes, sir.

23 Q And that appeal would be to who?

24 A That appeal would be to the Board.

25 Q To the Board. Okay. Have you ever had

1 any ex parte communication with the Board as a
2 whole or individual members of the Board as to the
3 factual basis of the issue before the Board before
4 us today involving the recusal of the Board, the
5 Fetty matter?

6 A No, not as to the factual basis. That is
7 correct.

8 Q All right. You are not the final
9 decision maker; am I correct?

10 A Correct.

11 MR. CROUCH:

12 I have no further questions.

13 CROSS EXAMINATION OF FABIAN P. BLACHE, II

14 BY MR. BRUMFIELD:

15 Q Mr. Blache?

16 A Uh-huh.

17 Q You are aware that Mr. Fetty -- well, you
18 issued Mr. Fetty a revocation notice; correct?

19 A Yes, sir.

20 Q When was that notice sent?

21 A That was October 16th.

22 Q Okay. And the revocation was predicated
23 on action taken by you --

24 A By me.

25 Q -- or was -- or action taken by the

1 Board?

2 A By me.

3 Q Okay.

4 A As established in the hearing on
5 November 15th in District Court.

6 Q Okay. You said that you received a
7 request from me for a hearing on Mr. Fetty's
8 behalf; correct?

9 A I'm referencing a hearing that we had in
10 District Court where the authority for me to take
11 that action was established and --

12 Q No, that's not my question.

13 A Okay.

14 Q My question is, you requested -- you
15 received a request from me of a request for a
16 hearing with the Board --

17 A At some --

18 Q -- on your action; correct?

19 A I received a couple of requests from you
20 for hearings.

21 Q You received one on October the 31st,
22 2017; is that correct?

23 A That sounds reasonable.

24 Q Okay. And you scheduled a meeting or a
25 hearing before the Board after my request of

1 October 31st; correct?

2 A No, I -- the Board has four meetings a
3 year that are prescheduled, and then we simply add
4 things to those meetings as we deem necessary.

5 Q Okay. You added an item on the agenda
6 for December the 14th regarding the revocation of
7 the license issued by the Board to Delta Tactical,
8 LLC; is that correct?

9 A I believe that is correct. I would have
10 to look at the agenda, but that sounds about right.

11 Q Okay. When did you send notice of that
12 Board meeting to Nick Fetty?

13 MR. CROUCH:

14 Object as to relevance. I'm not sure
15 what this has to do with the recusal of the
16 Board.

17 MR. BRUMFIELD:

18 The relevance is conversation on the
19 audiotape, Mr. Colt Miller referenced a
20 meeting of the Board in December.

21 HEARING MASTER ST. PIERRE:

22 Okay. I'll allow it.

23 BY MR. BRUMFIELD:

24 Q Isn't it true that on November the 22nd,
25 2017, you issued a notice to Nicholas Fetty that

1 the matter of his revocation would be taken up as
2 part of the agenda for the December 14th, 2017
3 Quarterly Board Meeting?

4 A Let's see, I think I have a copy of that.

5 Q Let me show you.

6 A All right. That is correct.

7 Q I presented you with a document. Do you
8 recognize that document?

9 A Yes. This is a letter indicating that
10 there would be a hearing on December 14th and that
11 we were including Delta Tactical in that meeting.

12 Q It's a three-page document, is it not?

13 A It is.

14 Q On Page 3 down at the bottom, do you
15 recognize that as being your signature?

16 A It is.

17 Q When did you place this item on the
18 agenda; do you know?

19 A It would have been more than likely added
20 to the draft agenda around the time of the issuance
21 of this letter more than likely.

22 Q You heard audiotape and Mr. Colt Miller's
23 testimony; did you not?

24 A I did.

25 Q You heard him reference the meeting in

1 December where the revocation was going to take
2 place; correct?

3 A I heard that.

4 Q And that audiotape, according to the
5 testimony, was on the 17th of November, five days
6 before your notice was sent; correct?

7 A Correct.

8 Q Okay. Did you tell Colt Miller of the
9 Board meeting on the 14th when Mr. Fetty's item was
10 going to be taken up?

11 A Yeah. When Colt came and asked me about
12 what was happening with the matter, because he was
13 being told to continue to work and had concerns
14 about doing so without a company license, I told
15 him when the next scheduled Board meeting would be,
16 and that would likely be when a hearing would be
17 scheduled.

18 Q When did that conversation take place?

19 A I don't remember exactly.

20 Q You heard him testify that he met you by
21 happenstance at LEWCO?

22 A Correct.

23 Q Was it before that meeting at LEWCO or
24 was it at the same time?

25 A I can't time approximate around the

1 meeting.

2 Q Okay. But you did inform Colt Miller
3 that the matter of Nick Fetty was going to be taken
4 up by the Board prior to your issuance of the
5 notice?

6 A I told him that the next opportunity for
7 the matter to be taken up by the Board would be at
8 the next scheduled meeting, which was already
9 prescheduled in the September meeting for December.

10 Q But it hadn't been added to the agenda;
11 correct?

12 A I don't recall.

13 Q Okay. Did you review -- oh, I'm sorry.

14 MR. BRUMFIELD:

15 In conjunction with the witness's
16 testimony, I'd like to offer, file, and
17 introduce into evidence the November 22nd,
18 2017 letter from the Board addressed to
19 Nicholas Fetty. And I'm going to mark that as
20 Delta Tactical #D.

21 MR. CROUCH:

22 I object as to relevance, your Honor.
23 But other than that, it's a public record.

24 HEARING MASTER ST. PIERRE:

25 I'm going to go ahead and overrule the

1 objection and admit it into evidence.

2 BY MR. BRUMFIELD:

3 Q Did you get a chance to review Delta
4 Tactical Exhibit C, the photographs?

5 A Yeah. Yes, I did.

6 Q And you recognize that the images in
7 those photographs are you; correct?

8 A Correct.

9 Q Do you recall the circumstances where
10 these photographs were taken?

11 A Yes. As Mr. Miller testified, two of
12 them appear to be at the Texas Club where he took
13 me to speak with the owners there. He was the
14 Security Director there. We were working through
15 the fact that I had recently met with the ATC
16 Commission about concerns we have with the
17 confusion between the license that they issued
18 that's called a Security License, but it's a bar
19 card related license versus a State Board of
20 Private Security Examiners license.

21 Because of his experience working
22 security in a bar environment and his knowledge of
23 those ATC laws, he reciprocated my showing him how
24 our side of the operation works in his pursuit of
25 him possibly being a contract inspector for us with

1 helping me understand how that side of it works,
2 because there were some violations identified at a
3 couple of locations that he was privy to where
4 people holding the ATC card were actually armed
5 with weapons and presenting themselves to the
6 industry as if they were private contract security
7 people.

8 Q Okay. You heard Colt's testimony that he
9 accompanied you on doing some inspections; correct?

10 A Correct.

11 Q Was that in anticipation of you putting
12 him to work as an inspector?

13 A It was to make sure that he understood
14 exactly what it was that we do and how it should be
15 done so that he would understand what he would be
16 asking to get involved in and have a clear
17 understanding of what that entailed.

18 Q Did you offer him a job as an inspector?

19 A I did not.

20 Q Was there any reason why you did not?

21 A At the -- at one point in time when I
22 asked him had he -- did he still have an interest
23 in trying to gage his interest in doing this, he
24 said that he didn't presently have the time because
25 his contracting business had picked up. It's very

1 seasonable. And so he was focused on handling the
2 jobs on his contracting business side and that he
3 would revisit the issue with me later down the
4 road.

5 Q Okay. You issued him a subpoena for his
6 appearance today?

7 A I issued the subpoena that you issued --

8 Q Yes.

9 A -- on your behalf.

10 Q Yes.

11 A Yes.

12 Q Did you have any conversation with Colt
13 Miller after the issuance of that subpoena for his
14 appearance today and today's testimony --

15 A No.

16 Q -- or today's hearing?

17 A No.

18 MR. BRUMFIELD:

19 I have no further questions.

20 HEARING MASTER ST. PIERRE:

21 Mr. Crouch?

22 MR. CROUCH:

23 I have no further questions.

24 HEARING MASTER ST. PIERRE:

25 Any other witnesses to be called,

1 Mr. Crouch?

2 MR. CROUCH:

3 I do not.

4 HEARING MASTER ST. PIERRE:

5 Any closing arguments?

6 MR. BRUMFIELD:

7 Nothing in rebuttal.

8 MR. CROUCH:

9 No.

10 MR. BRUMFIELD:

11 Well, first of all, I'd like to thank the
12 Board for its time today. I know I tried to
13 stay within the 20 or 30 minutes and I may
14 have gone over a little bit sometimes.

15 CHAIRPERSON PIERRE:

16 Thank you. We appreciate that.

17 MR. BRUMFIELD:

18 And I apologize to the Board for that.
19 But I think the Board can recognize from the
20 testimony presented today that there's been
21 significant contact or there was significant
22 contact between Colt Miller and Mr. Blache
23 that would at least give the appearance of
24 impropriety for the pending revocation hearing
25 in this matter.

1 I think, although the substance of the
2 testimony was subject to an objection, I think
3 the Board can, nonetheless, take that into
4 consideration that Mr. Miller, at least
5 Mr. Miller made the representations that
6 Mr. Blache had told him that the matter was
7 already decided.

8 It's abundantly clear that Mr. Miller
9 knew of the revocation hearing pending before
10 the Board prior to the notice being sent out.
11 The only way he could have got that
12 information, and his testimony was that he got
13 it from Mr. Blache prior to that November 17th
14 testimony.

15 So it was abundantly clear that the
16 opportunity for correspondence and
17 communication between Colt Miller and
18 Mr. Blache was there. I think that in and of
19 itself presents the appearance of impropriety.
20 And I think this Board should recuse itself
21 from hearing that revocation matter.

22 But, again, I'd like to thank the Board
23 for its attention to this matter today.

24 MR. CROUCH:

25 Madam Chairman and Board Members, I need

1 to put a very fine point on what the issue is
2 before you today. Recusal of a judge or any
3 deciding body is determined in the Code of
4 Civil Procedure by Article 151B. And in the
5 case of Usey versus Usey, First Circuit said,
6 quoting, a judge may be recused when he,
7 quote, is biased, prejudiced, or interested in
8 the cause of its outcome or biased, prejudice,
9 toward or against the parties or the parties'
10 attorney to such an extent that he would be
11 unable to conduct a fair and impartial
12 hearing.

13 Going beyond that, in the Slaughter
14 versus Southern Board of Supervisors, First
15 Circuit again said that the statute governing
16 recusal of judges requires a finding of actual
17 bias or prejudice, which must be of a
18 substantial nature and biased on more than
19 mere conclusory allegations.

20 And, finally, in Riddle versus the
21 Premier Plaza of Monroe, grounds for recusing
22 enumerated in the governing Articles are
23 exclusive and do not include a substantial
24 appearance of the possibility of bias or even
25 a mere appearance of impropriety as causes for

1 removing a judge for presiding over a given
2 matter.

3 In his pleadings, Mr. Brumfield alluded
4 to Title 49, Section 960, which deals with
5 administrative hearings and administrative
6 deciders. And Paragraph A deals with, in my
7 opinion, deals with the Board. Paragraph B
8 would deal with subordinate employees.

9 But in Paragraph B in both paragraphs, it
10 has to be the decider, the person with the
11 final responsibility to decide a given matter.
12 And under no circumstances is your Executive
13 Director the final decider of any suspension
14 action or any disciplinary action taken on
15 your behalf. That deciding, that power is
16 reserved to you.

17 And I submit to you that there's been no
18 evidence today at all where there has been any
19 contact with you guys that would prejudice you
20 to be able to have a fair hearing. I just
21 haven't seen or heard it. All of this has
22 been directed at Mr. Blache.

23 Well, let me say this, even if all of
24 this is true, even if Mr. Blache is prejudice,
25 so what. So what. He's not the decider. He

1 takes an action.

2 You guys sit after a hearing and go no,
3 no, you can't do that or, yes, you can do
4 that, but he's not the decider. And whether
5 he has, I don't think he does, I don't think
6 that case has even been made, that he is
7 prejudiced against Mr. Fetty or Delta Tactical
8 in any way.

9 But he is not the decider, and therefore,
10 I don't think there's been any evidence
11 introduced that would give you pause to recuse
12 yourself from a fair and impartial hearing.
13 Thank you.

14 MR. BRUMFIELD:

15 Nothing in rebuttal.

16 HEARING MASTER ST. PIERRE:

17 Okay.

18 MR. CROUCH:

19 Madam Chairmen, I think this will require
20 a motion --

21 CHAIRPERSON PIERRE:

22 Yeah.

23 MR. CROUCH:

24 -- and a vote.

25 CHAIRWOMAN PIERRE:

1 Absolutely. So thank you for coming here
2 today, but I just want to tell you and
3 Mr. Fetty, I agree with our attorney, Ron,
4 that we have no reason to be prejudiced
5 against Mr. Fetty or anyone else. I don't
6 think anybody on the Board knows Mr. Fetty
7 or -- I think at this time, hearing what you
8 said, listening to the facts, we can make a
9 determination on the facts.

10 And this Board would be allowed to vote
11 on whether or not they agree with recusing
12 themselves. So if that be said, I'm going to
13 ask that you do a call vote and we vote on the
14 Motion to Recuse ourselves, whether or not we
15 agree to recuse ourselves.

16 Do I have a second?

17 MR. SANDERS:

18 I'll second that motion.

19 MS. HULL:

20 Durell Pellegrin?

21 MR. PELLEGRIN:

22 Not to recuse.

23 MS. HULL:

24 Mark Williams?

25 MR. WILLIAMS:

1 Not to recuse.

2 MS. HULL:

3 Marian Pierre?

4 CHAIRWOMAN PIERRE:

5 Not to recuse.

6 MS. HULL:

7 Maria Landry?

8 MS. LANDRY:

9 Not to recuse.

10 MS. HULL:

11 Ritchie Rivers?

12 MR. RIVERS:

13 Not to recuse.

14 MS. HULL:

15 Wilbert Sanders?

16 MR. SANDERS:

17 Not to recuse.

18 CHAIRWOMAN PIERRE:

19 Okay. We have a unanimous vote not to
20 recuse ourselves. So at this time, our Board
21 will not recuse ourselves.

22 MR. BRUMFIELD:

23 Okay. I'm assuming that the Board's
24 decision will be in writing?

25 CHAIRPERSON PIERRE:

1 It can be.

2 MR. BRUMFIELD:

3 Okay. Please.

4 CHAIRPERSON PIERRE:

5 Mr. Blache?

6 MR. BLACHE:

7 Yes?

8 CHAIRWOMAN PIERRE:

9 Would you have your staff put that in
10 writing or give him a copy of the proceeding
11 for today?

12 MR. BLACHE:

13 Yes, Madam Chair.

14 MR. CROUCH:

15 Your Honor, I believe as a matter of law,
16 when a judge or a deciding body refusing to
17 recuse itself, I think Mr. Brumfield has the
18 legal right to bring that up to a --

19 CHAIRPERSON PIERRE:

20 Sure.

21 MR. CROUCH:

22 -- third party. So I -- I assume you're
23 going to --

24 MR. BRUMFIELD:

25 Yes, it's my intent to --

1 CHAIRWOMAN PIERRE:

2 Okay.

3 MR. BRUMFIELD:

4 -- seek --

5 CHAIRWOMAN PIERRE:

6 Okay. But I think you were asking for a
7 written -- something in writing.

8 MR. BRUMFIELD:

9 Well, I'm going to have to attach that to
10 my --

11 CHAIRPERSON PIERRE:

12 Sure.

13 MR. BRUMFIELD:

14 -- motion.

15 CHAIRWOMAN PIERRE:

16 We'll be glad to provide that. Thank you
17 for coming today.

18 MR. BRUMFIELD:

19 Thank you very much.

20 CHAIRWOMAN PIERRE:

21 I appreciate it. At this time, unless
22 there's any other business, any other
23 questions, this meeting is now adjourned.

24 (WHEREUPON, THE MEETING ADJOURNED)

25

1 R E P O R T E R ' S C E R T I F I C A T E

2 I, KELLY S. PERRIN, a Certified Court
3 Reporter, Certificate #23035, in good standing with
4 the State of Louisiana, as the officer before whom
5 this meeting was taken, do hereby certify that the
6 foregoing 93 pages;

7 That this testimony was reported by me in
8 stenographic machine shorthand by Computer-Aided
9 Transcription, transcribed by me or under my
10 personal direction and supervision, and is a true
11 and correct transcript to the best of my ability
12 and understanding;

13 That the transcript has been prepared in
14 compliance with transcript format guidelines
15 required by statute or by rules of the board, that
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17 contractual relationships, as defined by Louisiana
18 Code of Civil Procedure Article 1434 and in rules
19 and advisory opinions of the board; that I am not
20 of counsel nor related to any person participating
21 in this cause and am in no way interested in the
22 outcome of this event.

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1 This certification is valid only for a
2 transcript accompanied by my handwritten or digital
3 signature and the image of my State-authorized seal
4 on this page.

5 Signed:

6

7 KELLY S. PERRIN,CCR

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